

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.244 of 2019

and

WMP No.262 of 2019

M/s.Sabari Crop Care Sciences (P) Ltd.,
Rep.by its Manager,
R.Gurusamy, M/A about 33 yers,
S/o.Ramar,
having address at S.No.136 and 138,
Kollachery Village, PWD Road,
Sriperumbudur Taluk,
Chennai 600 069.Petitioner

.Vs.

1.The Commissioner of Police,
Commissioner Office,
Vepery, Chennai.

2.The Deputy Commissioner of Police,
Ambattur Circle,
Avadi, Chennai.

3.The Inspector of Police,
Kunrathur Police Station,
Kunrathur, Chennai-600 069.

4.Mrs.Vijaya

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the 3rd and 4th respondent to open the door in the petition premises namely Kollachery Village, PWD Road, Sriperumbudur Taluk, Chennai - 600 069, bearing S.No.136 and 138, admeasuring about 5040 sq.ft., which was illegally locked by the 4th respondent with the help of the 3rd respondent and enquire about the same to file a report before this Hon'ble High Court within stipulated time as is envisaged under code of criminal procedure.

For Petitioner : Mr.A.D.Janaradhanan

For R 1 to R3 : Mr.M.Mohamed Riyaz, APP

ORDER

This Writ Petition has been filed for a Writ of Mandamus directing the 3rd and 4th respondents to open the petition premises which according to the petitioner has been illegally locked by the 4th respondent with the help of the 3rd respondent.

2. The learned counsel for the petitioner would submit that the petitioner is a tenant under the 4th respondent from the year 2009 onwards. The petitioner is running a Fertiliser Factory in the premises and the petitioner has employed more than 50 workers and he has also invested huge amount of money.

3. The learned counsel for the petitioner would further submit that the lease was also renewed for a further period during the year 2013. While so, the 4th respondent started demanding additional rent and he was attempting to evict the petitioner unless and otherwise by due process of law.

4. The learned counsel for the petitioner submitted that on 31.12.2018, when the Manager of the petitioner Company and the other workers came to the Factory, they found that the Factory shutters were locked and there was an obstruction made from accessing the property. When this was enquired by the petitioner, they came to understand that this was done by the 4th respondent with the help of the 3rd respondent. The petitioner immediately gave a complaint before the 3rd respondent on 31.12.2018, seeking for removing the obstruction and to reopen the Factory. Since no action has been taken on the complaint, the present writ petition has been filed before this Court seeking for appropriate directions.

5. The learned Additional Public Prosecutor on instructions would submit that it is a purely landlord tenant dispute between the petitioner and the 4th respondent, and the 3rd respondent Police has absolutely no role to play in the said dispute. The learned Additional Public Prosecutor would further submit that even though the complaint was given by the petitioner against the 4th respondent for opening the Factory premises, no action was taken by the 3rd respondent since the dispute involved is purely Civil in nature, and the Police will have no role to play in a dispute of this nature and the parties will have to agitate the dispute and seek for a relief only before an appropriate Civil Forum.

6. The learned Additional Public Prosecutor further made it clear that the 3rd respondent has not interfered in this dispute at any point of time and even in future will not interfere with the dispute between the petitioner and the 4th respondent.

7. This Court has carefully considered the submissions made on either side. The dispute between the petitioner and the 4th respondent will have to be resolved only before the appropriate Civil Court. Insofar as this writ petition is concerned, only issue that needs to be looked into is whether the 3rd respondent Police had any role to play in aiding the 4th respondent to close down the Factory premises and preventing the petitioner from gaining access to the property. In view of the categorical submissions made by the learned Additional Public Prosecutor, it is clear that the 3rd respondent Police will not have any role to play in the dispute between the petitioner and the 4th respondent. Once this protection is assured to the petitioner, the rest of the dispute as between the petitioner and the 4th respondent has to be necessarily agitated only before an appropriate Civil Court.

8. This Writ Petition is disposed of with a direction to the 3rd respondent not to interfere with the dispute between the petitioner and the 4th respondent, and it is left open to the petitioner and the 4th respondent to resolve their dispute in the manner known to law before an appropriate forum.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Commissioner of Police,
Commissioner Office, Vepery, Chennai.

2.The Deputy Commissioner of Police,
Ambattur Circle, Avadi, Chennai.

3.The Inspector of Police,
Kunrathur Police Station,
Kunrathur, Chennai-600 069.

4.The Public Prosecutor, High Court, Madras.

+1cc to Mr.A.D.Janardhanan, Advocate, S.R.No. 1123

W.P.No.244 of 2019

RGN (CO)
GN (08/01/2019)